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THE HON'BLE SMT. JUSTICE T.MEENA KUMARI

&

THE HON'BLE SRI JUSTICE G. CHANDRAIAH

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WRIT PETITION Nos.13548 AND 13351 OF 2007

Dated: 16.7.2007

Between:
D. Yellamma and others.

..... PETITIONERS

AND

The Principal, I.T.I., Medchal and others.

…

RESPONDENTS

HON'BLE SMT. JUSTICE T.MEENA KUMARI
AND
THE HON'BLE SRI JUSTICE G. CHANDRAIAH

WRIT PETITION Nos. 13548 and 13551 of 2007

COMMON ORDER: (per Smt. Justice T. Meena Kumari,J)

Since the issue involved in both the writ petitions being the same, these writ petitions are clubbed and disposed of by this common order.

These writ petitions are filed by the petitioners assailing the order of the A.P. Administrative Tribunal, Hyderabad, made in O.A. Nos.3711 of 1995 and 4349 of 1995,dated 3.5.2002.

The brief facts of the case are that the petitioners herein were appointed as part time scavengers on consolidated pay after they were duly sponsored by the employment exchange and after due selection in the year 1983. They worked as such for a period of eleven years and for the reasons best known to them, the respondents terminated the services of the petitioners through the proceedings impugned in the O.A., dated 4.7.1995. Aggrieved by the same, petitioners filed O.A. Nos. 3711 and 4349 of 1995. The Tribunal, by the order impugned in these O.As. dated 3.5.2002, dismissed the O.As. Hence, the petitioners filed these writ petitions.

Learned counsel for the petitioners would contend that the appointment of the petitioners was through a regular selection duly sponsored by the employment exchange. He further submits that since the petitioners have been working as part time scavengers for the last eleven years, the respondents ought not to have terminated their services. He further contends that the Tribunal erred in observing that the petitioners are not entitled to be continued as Part time scavengers. He, therefore, prayed that the writ petitions be allowed and the order passed by the Tribunal impugned in these writ petitions be set aside.

While denying the allegations in the writ petition, the respondents have filed counter affidavit. They further stated that since the petitioners are part time scavengers, they are not entitled to be continued in the said posts and prayed that the writ petition be dismissed.

Admittedly, there is no material placed before this Court to show that the appointment of the petitioners was not regular or was not against any sanctioned posts. At para-7 of the counter affidavit, the respondents mentioned the cadre strength of class-IV regular employees working at ITI, Medchal thus:

ATTENDERS (3 POSTS)	SWEEPERS (3 POSTS)
G. ADAGIRI	K. CHANDRAIAH
S. SANKAR	M. ANJAIAH(expired on 14.6.2007)

In view of the fact that the petitioners have worked for more than eleven years with the respondents and in view of the fact that three posts of Attenders and Sweepers are vacant and since one Anjaiah, who was working as Sweeper had expired on 14.6.2007, the case of the petitioners can be considered in the said posts. In the circumstances, it would be suffice if a direction is issued to the respondents to consider the case of the petitioners in the said posts.

Accordingly, we allow the writ petitions and set aside the order of the Tribunal impugned in these writ petitions. There shall be a direction to the respondents to consider the case of the petitioners for the post of Attenders and Scavengers in the posts which are vacant. We, however, make it clear that the petitioners are not entitled for any arrears of pay.

The writ petitions are accordingly allowed. No costs.

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T. Meena Kumari,J

Date: 16.7.2007

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G. Chandraiah, J

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